

37 Am. Jur. 2d Fraud and Deceit § 117

American Jurisprudence, Second Edition | May 2021 Update

Fraud and Deceit

George Blum, J.D., John Bourdeau, J.D., Romualdo P. Eclavea, J.D., Janice Holben, J.D., Karl Oakes, J.D. and Eric C. Surette, J.D.

IV. False Representations

F. Intent to Deceive, or to Induce Reliance; Knowledge of Falsity

1. Necessity of Intent

§ 117. Immateriality of motive

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

West's Key Number Digest, [Fraud](#)  4

It is well settled that if fraud is established, the motive of the guilty party is immaterial.¹ While it is a significant fact tending to prove fraud, that a speaker profited by a misrepresentation,² a speaker may be guilty of fraud although the speaker acted without the motive of personal gain³ or without having in fact derived any benefit or advantage from making the false representation.⁴

© 2021 Thomson Reuters. 33-34B © 2021 Thomson Reuters/RIA. No Claim to Orig. U.S. Govt. Works. All rights reserved.

Footnotes

- 1 [Claflin v. Commonwealth Ins. Co.](#), 110 U.S. 81, 3 S. Ct. 507, 28 L. Ed. 76 (1884); [Peter J. Hartmann Co. v. Capital Bank and Trust Co.](#), 296 Ill. App. 3d 593, 230 Ill. Dec. 830, 694 N.E.2d 1108 (1st Dist. 1998); [Spiess v. Brandt](#), 230 Minn. 246, 41 N.W.2d 561, 27 A.L.R.2d 1 (1950).
- 2 [§ 33.](#)
- 3 [Whiting v. Price](#), 169 Mass. 576, 48 N.E. 772 (1897); [McDonald v. McNeil](#), 92 Vt. 356, 104 A. 337 (1918).
- 4 [§ 33.](#)

End of Document

© 2021 Thomson Reuters. No claim to original U.S. Government Works.